REGISTER

South Dakota Legislative Research Council

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A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Revenue and Regulation: (September 29, 2003) has filed rules that will repeal certain rules pertaining to transactions between cigarette wholesalers and retailers; increase the minimum bottle size of an alcoholic beverage that a wholesaler can leave for a retailer as a sample; allow a wholesaler to deliver a product ordered during a post-down period for a short time after the post-down period; and allow a wholesaler to reset the premises of a retailer, with certain restrictions. The general authority for these rules, as cited by the department, is SDCL 10-40A-5, 10-41-9, 35-10-1, and 37-10-26.

A public hearing will be held in Room 412 of the State Capitol located at 500 East Capitol Avenue, Pierre, South Dakota, on October 24, 2003, at 9:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the Department of Revenue and Regulation, Legal Division/Rules, 445 East Capitol Avenue, Pierre, South Dakota 57501, or by emailing Beth.Christie@state.sd.us. Copies of the rules are also available at the department's website: www.state.sd.us/drr. Material sent by mail must reach the department by November 3, 2003, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-4701 at least forty-eight hours before the hearing.

Department of Transportation: (October 1, 2003) has filed a rule that will allow the three axle (not counting the steering axle) units to move 40,000 pounds and allow the same lenience for the short internal axle bridge providing the group is four axles (not counting the steering axle). The general authority for this rule, as cited by the department, is SDCL 32-22-42 and 32-22-57.

A public hearing will be held in Room 413 of the State Capitol located at 500 East Capitol Avenue, Pierre, South Dakota, on October 22, 2003, at 9:05 a.m. (CDST). Copies of the proposed rules may be obtained without charge from and written comments sent to the Secretary of Transportation, Room 202, Becker-Hansen Building, 700 East Broadway Avenue, Pierre, South Dakota 57501-2586. Written comments must be received by October 21, 2003, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3265 at least forty-eight hours before the hearing.

Department of Health: (October 3, 2003) has filed rules that will update the list of reportable communicable diseases in South Dakota and update the reporting mechanisms. The general authority for these rules, as cited by the department, is SDCL 34-1-17, 34-22-9, 34-22-12, and 34-23-13.

A public hearing will be held in the large conference room, Health Lab Building, 615 East Fourth Street, Pierre, South Dakota, on October 28, 2003, at 9:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota Department of Health, Attn: Colleen Kozel, 600

East Capitol Avenue, Pierre, South Dakota 57501. Copies of the proposed rules may also be obtained at the Health Department website: http://www.state.sd.us/doh/News/index.htm. Material sent by mail must reach the department by November 7, 2003, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3361 at least 48 hours before the hearing.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Administrative Rules:

DEPARTMENT OF PUBLIC SAFETY:
61:08:01:01; 61:08:02:01, 61:08:02:02, 61:08:02:03; 61:08:03:01, 61:08:03:02; 61:08:04:01, 61:08:04:02, 61:08:04:03; 61:08:05:13, 61:08:05:17; 61:08:06:03, 61:08:06:07, 61:08:06:08; 61:08:07:01, 61:08:07:02; 61:08:09:02, 61:08:09:11, 61:08:09:15, 61:08:09:33, 61:08:09:39, 61:08:09:54, 61:08:09:55; art 61:09 (repealed); 61:15:01:01, 61:15:01:08, 61:15:01:13; 61:15:02:01, 61:15:02:02; 61:15:03:01; 61:15:05:03; 61:15:06:03; 61:15:07:06.

History-Notice: 30 SDR 17, August 4, 2003
Hearing: August 27, 2003
Filed: September 26, 2003
Effective: October 16, 2003

DEPARTMENT OF SOCIAL SERIVCES:
On October 2, 2003, the department filed revisions to the Food Stamp Program Certification and Accountability Manual. The revisions relate to lawful alien residents.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

REMINDER OF HEARINGS SCHEDULED

10-14-2003	Tourism and State Development: Board of Economic Development	Amend rules to allow Regional Revolving Loan Funds the ability to borrow from the REDI Fund; 30 SDR 33.
10-22-2003	Transportation	Amend speed zones in Brookings, Kingsbury, Pennington, and Shannon Counties; 30 SDR 35.
10-22-2003	Transportation	Amend a rule that will allow the three axle units to move 40,000 pounds and allow the same lenience for the short internal axle bridge providing the group is four axles; 30 SDR 47.
10-23-2003	Health	Amend rules to conform to the current health and safety standards; permit appropriate independence of residents; define construction and operational requirements for hospitals using seclusion rooms; ensure food safety; and follow the less restrictive federal requirements for signing of physician's orders; 30 SDR 39.
10-24-2003	Revenue and Regulation	Repeal certain rules pertaining to transactions between cigarette wholesalers and retailers; amend rules to increase the minimum size of

		sample bottles; allow a wholesaler to deliver a product ordered during a post-down period for a short time after the post-down period; and allow a wholesaler to reset the premises of a retailer, with certain restrictions; 30 SDR 47.
10-28-2003	Health Department	Amend rules that will update the list of reportable communicable diseases in South Dakota and update the reporting mechanisms; 30 SDR 47

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Monday, October 6, 2003, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting for the 2003 interim: November 14.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules.

Note: An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the LRC web site.

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